

ORDINANCE NO. 13-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that Street Side Communities, LLC, is the owner of the property across which said easement lies; that said easement or portion being vacated is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA
COUNTY OF MADISON

NO TITLE EXAMINATION HAS BEEN
PERFORMED IN CONNECTION WITH
THIS TRANSACTION

KNOW ALL MEN BY THESE PRESENTS, that in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable consideration to the undersigned, that THE CITY OF HUNTSVILLE, a municipal corporation, hereinafter referred to as Grantor, in hand paid by the Grantee herein, the receipt of which is hereby acknowledged, the said Grantor does hereby remise, release, quitclaim and convey unto STREET SIDE COMMUNITIES, LLC, an Alabama limited liability company, hereinafter referred to as Grantee, the following described real estate lying and being in the County of Madison, State of Alabama, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO.

Subject to restrictions of record.

TO HAVE AND TO HOLD to the Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor, by its duly authorized officer, has hereto set its signature and seal, this the 28th day of February, 2013.

THE CITY OF HUNTSVILLE, ALABAMA, a
municipal corporation

By: _____ (SEAL)
Tommy Battle, Mayor

ATTEST:

Charles Hagood, City Clerk-Treasurer

STATE OF ALABAMA
COUNTY OF MADISON

I, the undersigned, a Notary Public in and for said County and in said State, hereby certify that Tommy Battle and Charles Hagood, whose names as Mayor and City Clerk-Treasurer, respectively, of the City of Huntsville, Alabama, are signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of this conveyance, they, as such officers and with full authority, executed the same voluntarily for and as the act of the City of Huntsville, Alabama, municipal corporation.

Given under my hand and official seal this 28th day of February, 2013.

NOTARY PUBLIC
My Commission Expires: _____

THIS INSTRUMENT PREPARED BY:
Samuel H. Givhan
Wilmer & Lee, P.A.
100 Washington Street, Suite 200
Huntsville, Alabama 35801

EASEMENT VACATION
LOTS 63-67 AND COMMON AREA "C"
MIDTOWNE ON THE PARK

ALL THAT PART OF LOTS 63 THRU 67 AND COMMON AREA "C" OF A RESUBDIVISION OF TRACT "A" OF MIDTOWNE ON THE PARK PHASE 1B, A RESUBDIVISION OF TRACT "A" OF MIDTOWNE ON THE PARK PHASE 1A, AS SHOWN BY THE MAP OR PLAT OF SAID SUBDIVISION RECORDED IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA, IN DOCUMENT NUMBER 20071025000748990 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 2 WEST, THENCE SOUTH 88 DEGREES 19 MINUTES 55 SECONDS EAST, 533.01 FEET, THENCE SOUTH 88 DEGREES 16 MINUTES 19 SECONDS EAST, 94.83 FEET, THENCE SOUTH 88 DEGREES 16 MINUTES 10 SECONDS EAST, 460.48 FEET TO A POINT; THENCE SOUTH 01 DEGREES 05 MINUTES 58 SECONDS WEST, 93.51 FEET TO A POINT; THENCE SOUTH 88 DEGREES 54 MINUTES 02 SECONDS EAST, 10.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED;

THENCE FROM THE POINT OF BEGINNING AND ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 15.00 FEET, A CHORD BEARING AND DISTANCE OF NORTH 41 DEGREES 18 MINUTES 08 SECONDS EAST, 19.36 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 05 MINUTES 58 SECONDS WEST, 84.79 FEET TO A POINT;

THENCE SOUTH 88 DEGREES 54 MINUTES 02 SECONDS EAST, 115.00 FEET TO A POINT;

THENCE NORTH 01 DEGREES 05 MINUTES 58 SECONDS EAST 85.00 FEET TO A POINT;

THENCE SOUTH 88 DEGREES 54 MINUTES 02 SECONDS EAST, 10.00 FEET TO A POINT;

THENCE SOUTH 01 DEGREES 05 MINUTES 58 SECONDS WEST, 85.00 FEET TO A POINT;

THENCE SOUTH 88 DEGREES 54 MINUTES 02 SECONDS EAST, 35.17 FEET TO A POINT ON THE NORTH BOUNDARY OF AN EXISTING 10 FOOT WIDE UTILITY AND DRAINAGE EASEMENT LYING 10 FEET NORTH OF AND PARALLEL WITH THE NORTH RIGHT-OF-WAY OF LINCOLN PARK PLACE;

THENCE ALONG THE SAID NORTH BOUNDARY AND ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 240.00 FEET, A CHORD BEARING AND DISTANCE OF SOUTH 55 DEGREES 14 MINUTES 35 SECONDS WEST, 158.32 FEET TO A POINT;

THENCE NORTH 58 DEGREES 14 MINUTES 23 SECONDS WEST, 50.94 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 47.50 FEET, A CHORD BEARING AND DISTANCE OF NORTH 06 DEGREES 01 MINUTES 58 SECONDS WEST, 11.79 FEET TO A POINT;

THENCE NORTH 01 DEGREES 05 MINUTES 58 SECONDS EAST, 123.54 FEET TO THE POINT OF BEGINNING AND CONTAINING 9866 SQUARE FEET, MORE OR LESS.

Ordinance No. 13-_____ (Cont.)
Street Side Communities, LLC

ADOPTED this the 28th day of February, 2013.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 28th day of February, 2013.

Mayor of the City of
Huntsville, Alabama